
Arménia

Criminal Code, Article 226. Inciting national, racial or religious hatred.

1) Actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity, are punished with a fine in the amount of 200 to 500 minimal salaries, or with correctional labor for up to 2 years, or with imprisonment for a term of 2-4 years.

2) The actions envisaged in part 1 of this Article committed: publicly or by mass media, with violence or threat of violence; by abuse of official position; by an organized group, are punished with imprisonment for the term of 3 to 6 years.

Criminal Code, Article 63 Penalty aggravation due to discriminatory motives

NGO Law (2001), Article 3 : Non recognition of NGO inciting hatred

Political Parties Law, Article 3 : non recognition of political parties inciting hatred

Case Law

Armenia

Le gouvernement arménien a informé l'ECRI que deux affaires¹ avaient été portées devant les tribunaux en application de l'article 226 du code pénal pour incitation à la haine raciale. Des représentants de la communauté juive ont exprimé à l'ECRI leur satisfaction à propos de la rapidité avec laquelle l'enquête concernant l'une de ces affaires avait été menée et portée devant les tribunaux, ainsi qu'au sujet de la peine infligée au coupable.

[ECRI, Second rapport sur l'Arménie adopté le 30 juin 2006, CRI(2007)1, § 24]

The Armenian government has informed ECRI that two cases² have been brought to court under Article 226 of the Criminal Code for incitement to racial hatred. Representatives of the Jewish community have expressed to ECRI their appreciation of the speed with which one these cases was investigated and brought to court, as well as of the sentence meted out to the culprit.

[ECRI, Second report on Armenia, adopted on 30 June 2006, CRI(2007)1, § 24]

¹ Une affaire concernait un réfugié arménien de souche qui avait fait des remarques incendiaires à l'encontre des Arméniens. Déclaré irresponsable, il a été interné dans un établissement psychiatrique. La deuxième affaire concerne le chef d'une organisation ultranationaliste qui s'était livré à des déclarations antisémites. Il a été condamné à une peine de trois ans avec sursis pour incitation à la haine raciale.

² One case concerned an ethnic Armenian refugee who had made incendiary remarks against Armenians. He was found to be suffering from diminished responsibility and committed to a mental institution. The second case concerned the head of an ultranationalist organisation who had made antisemitic statements. He was sentenced to a three year suspended sentence for incitement to racial hatred.

Judiciary organisation: <http://www.court.am/?l=lo&id=167>

Public Policies

Information provided by the Government of the Republic of Armenia on its experience with regard to implementing the prohibition of incitement to hatred through national legislation, judicial practices and different policies.

For the purpose of fighting all forms of discrimination, including prohibition of incitement to national, racial, or religious hatred in the Republic of Armenia, the legal framework regulating various spheres of social life has been amended and numerous practical measures have been implemented in the recent years.

With regard to the **respective national legislation**, the following reforms in that area have to be mentioned.

The Criminal Code of the Republic of Armenia, which entered into force on 1 August 2003, foresees the crimes committed with the motives of hatred in 3 aspects:

1. As the circumstance in general aggravating the liability and punishment, in particular according to the point 6 of the part 1 of the article 63 of the Criminal Code, committal of crime by ethnic, racial or religious motives, for religious fanaticism, as revenge for other people's legitimate actions is the circumstance in general aggravating the liability and punishment. That means, even if this aggravating circumstance is not stipulated in the list of aggravating circumstances of the given crime, the court is empowered to apply the mentioned provision and to appoint stricter punishment within the sanctions foreseen for the given crime.

2. As the circumstance aggravating the concrete crime. Such articles in the Criminal Code are following:

1) Murder by motives of national, racial or religious hatred or religious fanaticism (point 14, part 2, article 104 of the Criminal Code),

2) Infliction of willful heavy damage to health by motives of national, racial or religious hatred or religious fanaticism (point 12, part 2, article 112 of the Criminal Code),

3) Infliction of willful medium-gravity damage to health by motives of national, racial or religious hatred or religious fanaticism (point 7, part 2, article 113 of the Criminal Code),

4) Torture by motives of national, racial or religious hatred or religious fanaticism (point 7, part 2, article 119 of the Criminal Code),

5) Willful destruction or spoilage of property by motives of national, racial or religious hatred or religious fanaticism (point 4, part 2, article 185 of the Criminal Code),

6) Outrageous treatment of the bodies of the dead or places for the dead by motives of national, racial or religious hatred (point 2, part 2, article 265 of the Criminal Code).

3. As a separate article, which foresees liability for inciting national, racial or religious hatred (article 226 of the Criminal Code). According to that Article, actions aimed at incitement to national, racial or religious hatred or hostilities, at manifestation of racial superiority or at humiliation of national dignity are qualified as crime and are punished by a fine in the amount of two to five hundred fold of the minimum wage or by maximum of two years of correctional labour, or by 2-4 years of imprisonment. As an aggravating circumstance for part 1 of the same Article, Part 2 of Article 226 stipulates that committing such actions publicly or using mass media, through exerting violence or threatening to exert such violence, through abuse of power are punished by 3-6 years of imprisonment.

Article 21 of the Law of the Republic of Armenia on Non-Governmental Organisations adopted on 4 December 2001, according to which in case the activity of an organisation is aimed at incitement to racial hostility, the state authorised body may lodge a claim before the court to liquidate the organisation, as well as according to Article 3 of the Law of the Republic of Armenia on Political Parties which stipulates that a union may not be recognised as a party if its

Charter allows membership exclusively by professional, national, racial, or religious characteristics.

As for the **specific policies** aimed at fighting incitement to hatred, promoting tolerance, educational and awareness-raising measures are being implemented at educational levels for both teachers and pupils and students, as well as among representatives of state bodies, such as the Police.

Due to the measures initiated by the authorities of the Republic of Armenia aimed at fighting all forms of racial discrimination, including the afore-mentioned ones, no crime on grounds of national or racial hatred has been recorded for the period of 2002-2008.